

AO 91 (Rev. 11/11) Criminal Complaint

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

## UNITED STATES DISTRICT COURT

18 OCT 28 AM 9:25

for the

CLERK-LAS CRUCES

District of New Mexico

United States of America

v.

WHITE, Tracy York  
DOB XX/XX/1958

Case No. MJ 13-3365

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

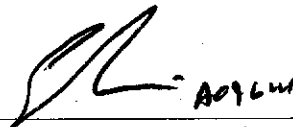
On or about the date(s) of October 24, 2013 in the county of Dona Ana in the  
District of New Mexico, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. 871(a)

Threats against President and successors to the Presidency

This criminal complaint is based on these facts:

See Attached Affidavit

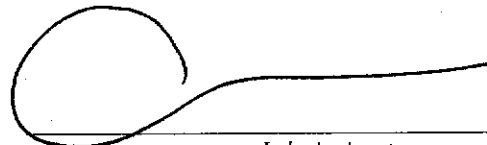
☒ Continued on the attached sheet.

Complainant's signature

ERIC LAYKIN, SPECIAL AGENT

Printed name and title

Sworn to before me and signed in my presence.

Date: 10-28-13City and state: Las Cruces, nm

Judge's signature

CARMEN E. GARZA  
U.S. MAGISTRATE JUDGE  
Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

**Background**

1. I, Eric Laurin, am a Special Agent with the United States Secret Service (USSS), and have been so employed since September, 2007. As a Special Agent, I have received training at the Federal Law Enforcement Training Center, and graduated from the Special Agent Training Class at the USSS Academy. My duties and responsibilities include investigations into possible violations of the federal criminal laws of Title 18 (Money Laundering, Wire Fraud, Threats against President and successor to the Presidency, and other Federal Violations).
2. In the course of my employment with the USSS, I have conducted or been involved in numerous investigations of alleged criminal violations, which have included: Threats Against the President and Successors to the Presidency (18 U.S.C. § 871).

**Facts in Support of Probable Cause**

3. On 10/24/13, The U.S. Secret Service, Albuquerque Resident Office, received a phone call from Supervisor Laura Rosario of the Social Security Administration's Cleveland Service Center regarding a threat made towards President Barack Obama.

4. I spoke to Mrs. Rosario regarding the incident. She reported that at approximately 2:15 pm (CST) an individual identified as Tracy York White called to request that the Social Security Administration (SSA) mail him a Medicaid card at a new mailing address. White authenticated his identity by providing his date of birth and Social Security Number. SSA records had an address of 200 S. Tyler, Amarillo, TX 79101 on file for White. White became agitated, stating that he previously requested his address be changed to 999 West Amador, Las Cruces, New Mexico.
5. White raised his voice and yelled at the call taker, identified as Janet Pagan. He demanded his Medicaid card be sent to him immediately. Pagan told White it would take approximately two weeks for him to receive the new card. White responded by saying, "This is all because of President Obama changing the healthcare." White went on to state, "I will get a .45 caliber and go to the White House and shoot his ass. He done nothing for this country." Pagan advised White that the call was being recorded. She asked him if he was threatening the President. White replied, "I hope the call is being recorded. I'm a former Marine and yeah, I am making a threat. I would like to kill him." White continued to speak very aggressively and used multiple derogatory and profane words.

6. White told Pagan he is currently homeless. The call center recorded the phone number White called from as (425) 830-0771 (This is a Seattle, Washington based mobile phone number).
7. Pagan transferred the call to Rosario after trying for some time to assist White with his issues. Rosario stated that White was still initially agitated when she began speaking to him but he did not make any additional threats. By the end of the call, White had calmed down and apologized to Rosario.
8. Rosario advised me that when an irate customer calls or a conversation deteriorates, as occurred in this case, the call taker will push a button to record the conversation for documentation in case threats are made or for preservation in case the customer subsequently complains about how they were treated. In this case, Pagan did push the record button but following the call it was determined a technical glitch did not allow the conversation to be recorded.
9. Continuing on 10/24/13, I determined that the address White provided as his current residence, 999 West Amador, Las Cruces, New Mexico, is the address of the Community of Hope Homeless Shelter. This was consistent with White's claim that he is transient.

10. An NCIC search revealed an extensive criminal history for White in multiple states including New Mexico, Texas, Oklahoma, Arizona, North Carolina and Illinois. The report documented criminal activity from 1977 through 2012 and included charges of forgery, theft, trespassing, burglary, drug possession and assault with a dangerous weapon. Most recently, on 12/20/12, White was convicted in Oklahoma on charges of Burglary, Assault with a Dangerous Weapon and Possession of Burglary Tools. He received a 10 year suspended sentence.
11. Given the nature of the threat White made during his call to the SSA in addition to the above criminal history and his transient status it was imperative that he be located as soon as possible.
12. Continuing on 10/24/13, I contacted Commander Mark Nunley of the Las Cruces Police Department (LCPD) to request assistance in this case. Commander Nunley searched their internal database and found one recent case documenting contact with White in their jurisdiction. According to the LCPD report (#201319719), on 9/8/13, Officers were dispatched to an address in Las Cruces in reference to a disturbance. Officers determined that White was involved in an argument and physical altercation with a male acquaintance. At some point, White was shoved to the

ground and pulled out a small knife. He told the officers he did so because he felt threatened by the other individual. There was no evidence to support that White either attempted to harm anyone with the knife or brandished it at anyone. He was released from the scene without incident.

13. Commander Nunley advised me that he would have an officer contact the Cross of Hope Shelter in the morning on 10/25/13 and attempt to locate White.

14. In addition to the LCPD report described above, I subsequently learned of two reports filed by the Dona Ana County Sheriff's Department regarding recent incidents involving White. Copies of those reports were obtained. Both incidents occurred on 09/24/13. According to those reports (#201310611 and 201310636), White was initially contacted when a business owner called police after White confronted him for throwing White's sleeping back into a dumpster when it was found on the business owner's property. White became verbally aggressive and the business owner was concerned for his safety. White was issued a criminal trespass warning and was told to leave. Later that same day deputies were dispatched to another location after a business owner complained that White was on her property even though he'd previously been given a

criminal trespass warning. White was arrested as a result of that incident. While being transported to the Dona Ana County Detention Center he became combative in the back seat of the patrol car and began spitting and threatening the arresting deputy.

15. On 10/25/13, I received a call from Commander Nunley. He advised that one of his officers made contact with management at the Cross of Hope shelter. They told the officer they knew who White was but had not seen him around the shelter since May, 2013. They reported White does receive mail at the facility but it has been accumulating for several months and he hasn't claimed it. The officer next made contact with the individuals who run the neighboring "tent city" associated with the Cross of Hope shelter. They log all of the residents at the facility but reported they hadn't seen White since May, 2013. Finally, the officer also checked with the nearby Gospel Rescue Mission. They too were familiar with White but reported they hadn't seen him since April, 2013.

16. Continuing on 10/25/13, I called the phone number the SSA provided for White from his call to the Cleveland center on 10/24/13. A male answered. I asked if his name was Tracy White. He said that it was. I decided to use a ruse in an attempt to convince him to meet with me. I told

him I was calling on behalf of the Social Security Administration as a result of his complaint from the previous day regarding the non-receipt of his Medicaid card. White was cordial and explained that he thought the problem was resolved. He used the correct names of the two SSA employees he'd spoken to on 10/24/13 ("Janet" and "Rosario"). He even correctly referred to the fact that Mrs. Rosario is a supervisor. I explained that his Medicaid card was sent to me via FedEx so that I could expedite delivering it to him. He asked if I could mail it. I told him that wouldn't be possible because of the confusion with his mailing address. White said he didn't have a car and would not be able to drive to meet me. I told him I would come to him. He requested that I call him back in 30 minutes and the call concluded.

17. Approximately thirty minutes later I once again called White. This time he didn't answer. I waited several more minutes and tried again. Again, he didn't answer. SA Omar Vela attempted to contact White from another phone. White didn't answer but he did call back a few minutes later. SA Vela advised White that we were on our way to Las Cruces from Albuquerque to meet with him regarding his Medicaid card. White advised that he was presently waiting at the



McDonald's located at 2330 East Lohman Avenue in Las Cruces.

18. I contacted Commander Nunley, LCPD, and advised him of White's location. Commander Nunley sent officers to contact White. They located him outside near the restaurant and asked him if he would be willing to be voluntarily transported to the Las Cruces Police Department to speak with them about a case. White agreed. He was told he was not in custody at that time. While at the police department he was provided the opportunity to stand outside the building and smoke cigarettes.

19. When SA Vela and I arrived at the police department, I sat down with White to interview him regarding this case. I advised White of his Miranda Rights. He waived his rights both verbally and in writing. White confirmed that he does own a cell phone and the number is (425) 830-0771. He confirmed that it was he who called the SSA call center on 10/24/13. White said that he was initially upset because he had to wait on hold for 55 minutes prior to speaking with a representative. He said that once he began speaking with Pagan (referring to her as Janet) he told her about his issues associated with the status of his Medicaid benefits. I asked White if he remembered the comment he made to Pagan ultimately caused me to have to come speak to

him. He said that he did. White was reluctant to repeat it out loud however. He said, "I say stupid crap all the time." He immediately went on to say, "God almighty I've never owned a gun nor will I ever." When I told White it was reported to me that he claimed he would get a .45 caliber gun. He stated, "I never said I was going to get one. I said if I had one." When asked him about his comment that he would go to the White House he said, "I never said I would go to the White House either." He told me what he did say was, "If I was within 20 feet (of the President) and I never will be."

20. White claimed he knew the implications of what he was saying. He told me, "I knew retrospectively, very quickly retrospectively, how illegal what I had just done was." White went on to state, "I didn't regret. I hate the word regret. A lot of things push me to that insanity. I'm not insane. I'm not dangerous."

21. White confirmed that he was in the Marine Corps but was medically discharged prior to completing boot camp due to mental illness. He admitted to multiple hospitalizations in mental health facilities since he was a teenager. White reported that he has been diagnosed as Bi-polar and schizophrenic. He is not currently taking medications for the above disorders however. White told me


he is a recovering alcoholic but he's been sober for 13 years. He denied using any illegal narcotics.

22. At the conclusion of the interview White was placed under arrested for violating 18 U.S.C. 871 - Threats against President and successors to the Presidency. He was transported to the Dona Ana County Detention Center to be held pending a Probable Cause hearing.

I swear that this information is true and correct to the best of my knowledge, information and belief.

Criminal complaint telephonically approved by Branch Chief Alfred Perez, USAO.

Respectfully submitted,



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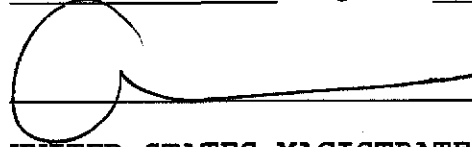
Eric Laurin

Special Agent, USSS

Albuquerque, New Mexico

SUBSCRIBED TO AND SWORN BEFORE ME ON THIS

28th day of October, 2013



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UNITED STATES MAGISTRATE JUDGE